

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pepinsky, Blake R. *et al*

Examiner: Hamud, Fozia M.

Application Serial No.: 10/802,540

Art Unit: 1647

Filed: March 16, 2004

**Atty. Docket No.: BII-008.02**Title: *Polymer Conjugates of Interferon Beta-1A and Uses*

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Examiner Hamud:

In response to the outstanding Restriction Requirement in the above-identified application, mailed December 27, 2006, the Applicants respectfully point out that the group numbering scheme utilized by the Examiner in the restriction requirement (i.e. groups 1-32, SEQ ID NOs.: 25-56) does not correspond with the instant claims as pending. The Applicants point out that as a result of the Supplemental Preliminary Amendment filed on August 16, 2006, the instant claims relate to sequences of SEQ ID NOs: 27- 56. Accordingly, in response to the restriction requirement, Applicants hereby elect with traverse the invention of group **15** (Claims 41-60), drawn to a polypeptide comprising **SEQ ID NO: 41**.

In support of the requirement for restriction, the Examiner alleges that examination of the instant claims would present a serious burden of search. The Applicants respectfully disagree. The Applicants respectfully submit that simultaneous examination of groups 15 and 75 would not place an undue burden on the Examiner, as group 15, Claims 41-60 (drawn to a polypeptide of SEQ ID NO: 41) and group 75, Claim 62 (drawn to a method of preparing said polypeptide) are both classified in class 530. *See* MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the

merits..."). Accordingly, the Applicants request that groups 15 and 75 be considered for rejoinder.

Finally, the Applicants respectfully remind the Examiner that upon allowance of the above elected product claims, process claims that depend from or otherwise require all the limitations of the allowable product claims should be considered for rejoinder, and the rejoined process claims should be fully examined for patentability. *See* M.P.E.P § 821.04. The Applicants expressly reserve the right to prosecute groups not elected herein in subsequent patent applications claiming the benefit of priority to the instant application. 35 U.S.C. § 120 and § 121.

### **Fees**

The Commissioner is hereby authorized to charge any fees due in connection with the filing of this Response to our Deposit Account, **No. 06-1448** reference **BII-008.02**.

### **Conclusion**

If a telephone conversation with Applicants' Agent would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Dated: February 27, 2007

Respectfully submitted,

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